

Office Action Summary	Application No.	Applicant(s)	
	10/650,896	ZACKS ET AL.	
	Examiner	Art Unit	
	Jeff Piziali	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2007 and 04 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-69 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species:

Species I, drawn to *using the display to present content in the form of patterns of emitted light and filtering the emitted light so that the content can be discerned only in the viewing space*. [see Page 2, Lines 4-16 of the instant Specification, for instance];

Species II, drawn to *using the display to present content in the form of patterns of emitted light and focusing patterns of emitted light so that the light forms an image only within a viewing space having a far viewing distance* [see Page 15, Line 25 - Page 16, Line 17 of the instant Specification, for instance];

Species III, drawn to *using the display to present content in the form of patterns of emitted light and focusing patterns of emitted light so that the light forms an image only within a viewing space having a near viewing distance* [see Page 15, Line 25 - Page 16, Line 17 of the instant Specification, for instance];

Species IV, drawn to *using the display to present content in the form of patterns of emitted light and directing the content so that the content can be discerned*

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*only in the viewing space via an image modulator comprising a set of **baffles** that direct light to the viewing space [see Page 16, Line 30 - Page 17, Line 7 and Claim 44 of the instant Specification, for instance];*

Species V, drawn to *using the display to present content in the form of patterns of emitted light and **directing the content** so that the content can be discerned only in the viewing space via an image modulator comprising a **coherent fiber optic bundle** which provides a channel structure of paths of substantially transparent material [see Page 28, Line 26 - Page 29, Line 2 of the instant Specification, for instance]; and*

Species VI, drawn to *using the display to present content in the form of patterns of emitted light and **directing the content** so that the content can be discerned only in the viewing space via an image modulator comprising an array of individual **micro-lens** having physical light absorbing barriers between each **micro-lens** [see Page 28, Lines 18-25 of the instant Specification, for instance].*

Wherein **Species I-VI** each further comprise:

Sub-Species A, drawn to *viewing privileges are combined in an **additive manner** and the common viewing space is defined based upon the*

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combined viewing privileges and the access privileges [see Page 22, Line 1 - Page 23, Line 5 of the instant Specification, for instance]; and

Sub-Species B, drawn to *viewing privileges are combined in a subtractive manner and the presentation of the content is adjusted based upon the combined viewing privileges and the access privileges* [see Page 23, Line 6 - Page 24, Line 19 of the instant Specification, for instance].

Wherein **Sub-Species A-B** each further comprises:

Sub-Sub-Species 1, drawn to *detecting people in the presentation space comprises capturing an image of the presentation space and analyzing the image to detect the people* [see Page 13, Line 29 - Page 14, Line 19 of the instant Specification, for instance];

Sub-Sub-Species 2, drawn to *detecting people in the presentation space comprises detecting radio frequency signals from transponders in the presentation space and identifying people in the presentation space based upon the detected radio frequency signals* [see Page 25, Line 29 - Page 16, Line 16 of the instant Specification, for instance]; and

Sub-Sub-Species 3, drawn to *detecting signals from plural sensors adapted to **detect encroachment** of the presentation space and adjusting the presentation of the content when such encroachment is detected* [see Page 26, Lines 17-24 of the instant Specification, for instance].

The species are respectively independent or distinct because the species do not overlap in scope, i.e., are mutually exclusive; the species are not obvious variants; and the species have a materially different design, mode of operation, function, and effect. Although the aforementioned divergent subject matter was intact at the time of the non-final office action (mailed 13 March 2006), the applicant's arguments filed 4 December 2006 have persuaded the examiner that independent/distinct species are present, which if left unchecked would result in a serious examination burden henceforth.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-5, 9-19, 22, 26-31, 35-38, 47-55, 58-64, 68, and 69 appear to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

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3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Drawings

4. The drawings were received on 2 August 2007. These drawings are acceptable.

Conclusion

The applicants are hereby notified that the examiner's art unit has changed from Art Unit 2673 to Art Unit 2629, please direct all future correspondence accordingly. Thank you.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Piziali whose telephone number is (571) 272-7678. The examiner can normally be reached on Monday - Friday (6:30AM - 3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeff Piziali
12 October 2007